



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2333**
Toshimitsu ISHIKAWA et al. : Attorney Docket No. 99_1012A
Serial No. 09/393,168 : Group Art Unit 1616
Filed September 10, 1999 : Examiner Mina Haghighatian
SOFT CAPSULE : **Mail Stop: Amendment**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY FEE IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of June 26, 2008, the time for responding thereto being extended for three months in accordance with a Petition for Extension of Time submitted herewith, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over Tanner et al. (US '466) in view of Miskel et al. (US '051) is respectfully traversed.

The Examiner acknowledges that Tanner et al. do not specifically teach adding a dietary fiber to formulations to be filled in soft gel capsules. The Examiner then states that Miskel et al. teach a soft capsule comprising a water-soluble dietary fiber, and the Examiner takes the position that it would have been obvious to have looked in the art for other ingredients such as water-soluble dietary fibers for the fill composition, as disclosed in Miskel et al. with a reasonable expectation of successfully preparing a stable homogenized fill composition for soft capsules. The Examiner emphasizes that **all the claimed elements** were known in the prior art and one